

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR §1.10 on the date indicated below and addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Barbara McBrayer  
Printed Name

*Barbara McBrayer*  
Signature

EL439619728US  
"Express Mail" Mailing Label No

*July 24, 2003*  
Date of Deposit

Cygnus Docket 0235.06  
Serial No: 1.53(b) of 09/911,341  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Timothy C. DUNN, et al.

Examiner:  
C. Chin

Serial Number: 1.53(b) of 09/911,341

Group Art Unit:  
1641

Filed: Even date herewith

For: METHOD AND DEVICE FOR PREDICTING  
PHYSIOLOGICAL VALUES

**POWER OF ATTORNEY**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Barbara G. McClung, Senior Vice President, General Counsel of the assignee, Cygnus, Inc., hereby appoint Barbara G. McClung, Reg. No. 33,113, and Gary R. Fabian, Reg. No. 33,875, as our attorneys and agents to prosecute said application, and to transact all business in the Patent and Trademark Office connected herewith.

Please address all future communications to the following address:

CYGNUS, INC.  
Intellectual Property Department  
400 Penobscot Drive  
Redwood City, CA 94063  
Phone (650) 599-2527  
Facsimile (650) 599-3913

Respectfully submitted,  
CYGNUS, INC.

  
Barbara G. McClung  
Senior Vice President, General Counsel  
Registration No. 33,113  
Phone: 415-599-2527

Date: July 24, 2003

Cygnus, Inc.  
400 Penobscot Drive  
Redwood City, CA 94063

**DECLARATION FOR CONTINUATION-IN-PART PATENT APPLICATION**

As a below named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention titled:

**METHOD AND DEVICE FOR PREDICTING PHYSIOLOGICAL VALUES**

2. The specification of which (check one)

is attached hereto

or

was filed on September 27, 1999 as Application Serial No. 09/405,976  
and was amended on        (if applicable).

3. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

4. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

5. I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority claimed?
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Number	Country	Day/Month/Year Filed	Yes/No
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NONE			
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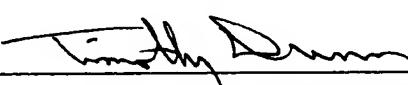
6. I hereby claim priority benefits under Title 35, United States Code § 119(e)(1) of any United States provisional application(s) for patent as indicated below and have also identified below any application for patent on this invention having a filing date before that of the application for patent on which priority is claimed:

<u>Application No.</u>	Date of Filing (day/month/year)	Priority <u>Claimed</u>
NONE		Yes <u>  </u> No <u>  </u>

7. I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application No.</u>	Date of Filing (day/month/year)	Priority <u>Claimed</u>	<u>Status</u>
09/163,856	September 30, 1998	Yes <u>X</u> No <u>  </u>	Pending
09/198,039	November 23, 1998	Yes <u>X</u> No <u>  </u>	Abandoned
09/241,929	February 1, 1999	Yes <u>X</u> No <u>  </u>	Pending

8. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or by imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the subject patent application or any patent issuing therefrom.

Signature: 

Date: 2/1/00

Full Name of Inventor: Timothy C. DUNN

Citizenship: US

Residence: San Francisco, California

Post Office Address: 971 Alabama Street, San Francisco, California 94110

Signature: Yalia Jayalakshmi

Date: 2/1/00

Full Name of Inventor: Yalia JA YALAKSHMI

Citizenship: India

Residence: Sunnyvale, California

Post Office Address: 1339 Bedford Avenue, Sunnyvale, California 94087

Signature: Ronald T. Kurnik

Date: 2/1/00

Full Name of Inventor: Ronald T. KURNIK

Citizenship: US

Residence: Foster City, California

Post Office Address: 961 Haddock Street, Foster City, California 94404

Signature: Matthew J. Lesho

Date: 2/1/00

Full Name of Inventor: Matthew J. LESHO

Citizenship: US

Residence: San Mateo, California

Post Office Address: 3045 Los Prados Street, #112, San Mateo, California 94403

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of Inventor: Jonathan James OLIVER

Citizenship: US

Residence: Oakland, California

Post Office Address: 733 65<sup>th</sup> Street, Oakland, California 94609

Signature: Russell O. Potts

Date: 2/1/00

Full Name of Inventor: Russell O. POTTS

Citizenship: US

Residence: San Francisco, California

Post Office Address: 76 Uranus Terrace, San Francisco, California 94114

Signature: Janet A. Tamada

Date: 2/1/00

Full Name of Inventor: Janet A. TAMADA

Citizenship: US

Residence: Mountain View, California

Post Office Address: 505 Cypress Point Drive, #271, Mountain View, California 94043

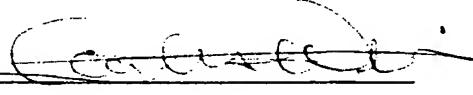
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Steven Richard WATERHOUSE

Citizenship: Great Britain

Residence: San Francisco, CA

Post Office Address: 1660 Bay Street, #203, San Francisco, California 94123

Signature:  Date: 2-1-00

Full Name of Inventor: Charles W. WEI

Citizenship: Taiwan, Province of China

Residence: Fremont, California

Post Office Address: 2827 Huxley Place, Fremont, California 94555

**DECLARATION FOR CONTINUATION-IN-PART PATENT APPLICATION**

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2. The specification of which (check one)

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of Inventor: Timothy C. DUNN

Citizenship: US

Residence: San Francisco, California

Post Office Address: 971 Alabama Street, San Francisco, California 94110

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Yalia JAYALAKSHMI  
Citizenship: India  
Residence: Sunnyvale, California  
Post Office Address: 1339 Bedford Avenue, Sunnyvale, California 94087

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Ronald T. KURNIK  
Citizenship: US  
Residence: Foster City, California  
Post Office Address: 961 Haddock Street, Foster City, California 94404

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Matthew J. LESH  
Citizenship: US  
Residence: San Mateo, California  
Post Office Address: 3045 Los Prados Street, #112, San Mateo, California 94403

Signature: Jonathan Oliver Date: 20/Jun/2000

Full Name of Inventor: Jonathan James OLIVER  
Citizenship: US  
Residence: Oakland, California  
Post Office Address: 733 65<sup>th</sup> Street, Oakland, California 94609

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Russell O. POTTS  
Citizenship: US  
Residence: San Francisco, California  
Post Office Address: 76 Uranus Terrace, San Francisco, California 94114

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Janet A. TAMADA  
Citizenship: US  
Residence: Mountain View, California  
Post Office Address: 505 Cypress Point Drive, #271, Mountain View, California 94043

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Steven Richard WATERHOUSE

Citizenship: Great Britain

Residence: San Francisco, CA

Post Office Address: 1660 Bay Street, #203, San Francisco, California 94123

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Charles W. WEI

Citizenship: Taiwan, Province of China

Residence: Fremont, California

Post Office Address: 2827 Huxley Place, Fremont, California 94555

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Residence: Mountain View, California  
Post Office Address: 505 Cypress Point Drive, #271, Mountain View, California 94043

Signature: Steven Date: 2/10/00

Full Name of Inventor: Steven Richard WATERHOUSE

Citizenship: Great Britain

Residence: San Francisco, CA

Post Office Address: 1660 Bay Street, #203, San Francisco, California 94123

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Inventor: Charles W. WEI

Citizenship: Taiwan, Province of China

Residence: Fremont, California

Post Office Address: 2827 Huxley Place, Fremont, California 94555

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Cygnus Docket 0235.04  
USSN 09/405,976  
PATENT

## ASSIGNMENT

JOINT

THIS ASSIGNMENT, by Timothy C. DUNN, Yalia JAYALAKSHMI, Ronald T. KURNIK, Matthew J. LESHO, Jonathan James OLIVER, Russell O. POTTS, Janet A. TAMADA, Steven Richard WATERHOUSE and Charles W. WEI (hereinafter referred to as the assignors), residing at San Francisco, CA, Sunnyvale, CA, Foster City, CA, San Mateo, CA, Oakland, CA, San Francisco, CA, Mountain View, CA, San Francisco, CA and Fremont, CA respectively, witnesseth:

WHEREAS, the said assignors have invented certain new and useful improvements in METHOD AND DEVICE FOR PREDICTING PHYSIOLOGICAL VALUES set forth in an application for Letters Patent of the United States, bearing Serial No. 09/405,976 and filed on September 27, 1999; and

WHEREAS, CYGNUS, INC., a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 400 Penobscot Drive, Redwood City, California 94063 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient considerations, the receipt of which is hereby acknowledged, the said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto the assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the said assignee, for its own use and behoof and the use and behoof of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, the said assignors are the sole and lawful owners of the entire right, title and interest in

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Cygnus Docket 0235.04  
USSN 09/405,976  
PATENT

and to the said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that the said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that the said assignors will, whenever counsel of the said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of the said assignee, its successors, legal representatives and assigns.

AND the said assignors also agree that the U.S. serial number may be entered above by the assignee or its agents upon designation of the serial number by the U.S. Patent and Trademark Office.

AND the said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to the said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the said assignee, its successors, legal representatives and assigns.

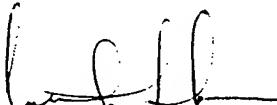
Date 2/1/00 Name of Inventor Timothy Dunn  
Timothy C. DUNN

Date 2/1/00 Name of Inventor Jayalakshmi Y  
Yatia JAYALAKSHMI

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Date 2/1/00 Name of Inventor Ronald T. KURNÍK  
  
Ronald T. KURNÍK

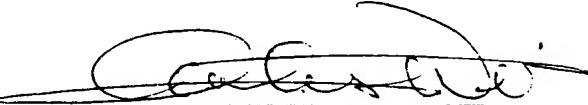
Date 2/1/00 Name of Inventor Matthew J. LESHO  
  
Matthew J. LESHO

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Jonathan James OLIVER

Date 2/1/00 Name of Inventor Russell O. POTTS  
  
Russell O. POTTS

Date 2-1-00 Name of Inventor Janet A. Tamada  
  
Janet A. TAMADA

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Steven Richard WATERHOUSE

Date 2-1-00 Name of Inventor Charles W. WEI  
  
Charles W. WEI

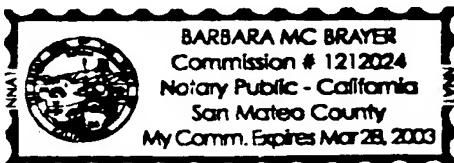
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ACKNOWLEDGMENT

State of California

County of San Mateo

On February 1, 2000 before me, Barbara McBrayer, Notary Public, personally appeared Timothy C. Dunn, Yalia Jayalakshmi, Ronald T. Kurnik, Matthew J. Lesho, Russell O. Potts, Janet A. Tamada and Charles W. Wei, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signature on the instrument the persons or the entities upon behalf of which the persons acted, executed the instrument.



WITNESS my hand and official seal.

A handwritten signature in cursive script that reads "Barbara McBrayer".

Signature of Notary Public

# COPY

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## ASSIGNMENT

JOINT

THIS ASSIGNMENT, by Timothy C. DUNN, Yalia JAYALAKSHMI, Ronald T. KURNIK, Matthew J. LESHO, Jonathan James OLIVER, Russell O. POTTS, Janet A. TAMADA, Steven Richard WATERHOUSE and Charles W. WEI (hereinafter referred to as the assignors), residing at San Francisco, CA, Sunnyvale, CA, Foster City, CA, San Mateo, CA, Oakland, CA, San Francisco, CA, Mountain View, CA, San Francisco, CA and Fremont, CA respectively, witnesseth:

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AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that the said assignors will, whenever counsel of the said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of the said assignee, its successors, legal representatives and assigns.

AND the said assignors also agree that the U.S. serial number may be entered above by the assignee or its agents upon designation of the serial number by the U.S. Patent and Trademark Office.

AND the said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to the said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the said assignee, its successors, legal representatives and assigns.

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Timothy C. DUNN

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Yalia JAYALAKSHMI

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Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Ronald T. KURNIK

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Matthew J. LESHO

Date 20/Jun/2000 Name of Inventor Jonathan Oliver  
Jonathan James OLIVER

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Russell O. POTTS

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Janet A. TAMADA

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Steven Richard WATERHOUSE

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Charles W. WEI

**COPY**

**ACKNOWLEDGMENT**

State of California

County of Alameda

On Jan. 22, 2000 before me, Jonathan Moeller, Notary Public,  
Name and Title of Officer (e.g., "Jane Doe Notary Public")

personally appeared Jonathan Oliver,  
Names(s) of Signer(s)

-personally known to me

✓proved to me on the basis of satisfactory evidence  
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged  
to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature on the instrument the person(s) or the entity(ies) upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Jonathan Moeller  
Signature of Notary Public

COPY

Cygnus Docket 0235.04  
USSN 09/405,976  
PATENT

ASSIGNMENT

JOINT

THIS ASSIGNMENT, by Timothy C. DUNN, Yalia JAYALAKSHMI, Ronald T. KURNIK, Matthew J. LESHO, Jonathan James OLIVER, Russell O. POTTS, Janet A. TAMADA, Steven Richard WATERHOUSE and Charles W. WEI (hereinafter referred to as the assignors), residing at San Francisco, CA, Sunnyvale, CA, Foster City, CA, San Mateo, CA, Oakland, CA, San Francisco, CA, Mountain View, CA, San Francisco, CA and Fremont, CA respectively, witnesseth:

WHEREAS, the said assignors have invented certain new and useful improvements in METHOD AND DEVICE FOR PREDICTING PHYSIOLOGICAL VALUES set forth in an application for Letters Patent of the United States, bearing Serial No. 09/405,976 and filed on September 27, 1999; and

WHEREAS, CYGNUS, INC., a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 400 Penobscot Drive, Redwood City, California 94063 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient considerations, the receipt of which is hereby acknowledged, the said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto the assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the said assignee, for its own use and behoof and the use and behoof of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, the said assignors are the sole and lawful owners of the entire right, title and interest in

and to the said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that the said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that the said assignors will, whenever counsel of the said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of the said assignee, its successors, legal representatives and assigns.

AND the said assignors also agree that the U.S. serial number may be entered above by the assignee or its agents upon designation of the serial number by the U.S. Patent and Trademark Office.

AND the said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to the said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the said assignee, its successors, legal representatives and assigns.

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Timothy C. DUNN

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Yalia JAYALAKSHMI

# COPY

Cygnus Docket 0235.04  
USSN 09/405,976  
PATENT

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Ronald T. KURNIK

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Matthew J. LESHO

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Jonathan James OLIVER

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Russell O. POTTS

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Janet A. TAMADA

Date 2/10/00 Name of Inventor *SR Waterhouse*  
Steven Richard WATERHOUSE

Date \_\_\_\_\_ Name of Inventor \_\_\_\_\_  
Charles W. WEI

COF

ACKNOWLEDGMENT

State of CALIFORNIA

County of SAN FRANCISCO

On 2-10-2003 before me, CHRISTOPHER T. MONICA -  
Name and Title of Officer (e.g., "Jane Doe Notary Public")  
personally appeared STEWART RICHARD WATSON -  
Names(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged  
to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature on the instrument the person(s) or the entity(ies) upon behalf of which the  
person(s) acted, executed the instrument.



WITNESS my hand and official seal.

  
Signature of Notary Public